

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JASON E.,

No. 3:23-cv-01079-HZ

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

HERNÁNDEZ, Senior Judge:


Plaintiff Jason E. brought this action seeking review of the Commissioner's final decision to deny disability insurance benefits. On November 16, 2023, pursuant to the parties' stipulated motion, the Court reversed the Commissioner's decision and ordered that the case be remanded for additional proceedings. Order, ECF 6. Judgment was also entered on November 16, 2023. J., ECF 7. On November 11, 2024, Plaintiff's counsel received notice of Plaintiff's award for benefits. Pl. Mot. Att. 3, ECF 11-3.

Plaintiff now seeks an award of fees of \$23,008.75 pursuant to 42 U.S.C. § 406(b). Pl. Mot., ECF 11. Defendant has no objection to the request. *Id.* The Court has reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds the requested fees reasonable.

The Court GRANTS the motion [11] and awards Plaintiff's counsel \$23,008.75 in attorney's fees under 42 U.S.C. § 406(b). Previously, this Court and the Western District of Washington awarded Plaintiff attorney's fees in the amount of \$4,597.23 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Upon payment of the § 406(b) fees, Plaintiff's counsel will refund any EAJA fees received by counsel to Plaintiff. Any amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

DATED: March 7, 2025.


MARCO A. HERNÁNDEZ
United States Senior District Judge